Message Gov. La. 1864.

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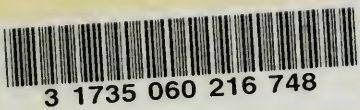
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MESSAGE

OF THE

GOVERNOR

OF THE

STATE OF LOUISIANA.

DELIVERED OCTOBER 7, 1864.

NEW ORLEANS:
W. R. FISH, STATE PRINTER.
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MESSAGE.

Gentlemen of the Senate and House of Representatives of the State of Louisiana:

The occasion which enables me, after a hiatus of nearly three years in the Legislative history of Louisiana, to welcome to their important labors the representatives of the popular will, fresh from their constituents, is deeply heart-cheering. Under the happily altered condition of our domestic affairs, you are to take charge of the law-making necessary to the well being of the Commonwealth and the security and happiness of the people. You are already familiar with the causes which in this and other Southern States interrupted peaceful legislation, distracted the public mind, arrayed the local authorities against the National Government, and produced rebellion, bloodshed and anarchy, where all should have been loyalty, peace and contentment. But while this State was thus momentarily placed, by the bad men who had conspired against the National authority, in armed hostility to the Union, no patriot ever conceded, or could with truth and propriety admit, that its people had ever sanctioned the atrocious doctrine of secession; and although for a time under the rebel control, as under Federal military occupation, the inalienable rights of the State were in abeyance, they were neither lost nor surrendered. To-day in every legal and Constitutional requisite, we can boldly demand the same recognition of its rights and independence in its legitimate Constitutional subordination as Massachusetts, New York or Ohio claim to possess and enjoy. The President of the United States, early after the restoration of the National authority in this State, recognized the great fact that the people of Louisiana had disclaimed the imputation of having ever rebelled; and sympathizing with them in their patriotic desire to be so understood, directed the local military authorities to give the necessary aid and encouragement to

them in reorganizing their civil affairs. In pursuance of these instructions, the First and Second Congressional Districts, in December, 1862, were enabled to elect Representatives to the National Congress, who, after a full investigation were admitted to seats, and participated in the public business on a full and perfect equality with their associates from every loyal portion of the Union. In good time thereafter an election for State officers was ordered, when the people—from whom only can power properly emanate—honored me with the responsible office of Governor. More recently a Convention, representing the people, was called to revise the organic law, by eliminating from the old system every vestige of human inequality, and putting it in harmony with those great principles of human freedom, which Jefferson, in truths that can never perish, embodied in the Declaration of American Independence. The Convention thus called, ably and patriotically performed its great work, and the people have cheerfully and nobly ratified it. Slavery can no more exist, nor can man ever again in Louisiana have or pretend to have property in man. The framers of our new Constitution, raised and educated amid peculiar institutions, and with strong prejudices, seeing the existence of their proud nationality imperilled, acted like true patriots, cast aside those institutions, extinguished those prejudices, gave up their property, and nobly said, "We will lose all, rather than lose our country." Future generations will honor their names and seek to emulate their deeds.

The unsettled condition of the country, the absence or destruction of most of the public archives and various other causes have conspired to throw much difficulty in the way of a full organization of a State Government. The want of a Legislature and the sudden uprooting of many important yet unwise and illiberal laws and institutions, by military orders, rendered it extremely difficult, if not impossible, for the Executive of the State to perform his duties satisfactorily and understandingly to the public, or to properly reconcile and harmonize the various conflicting rules of government and interests of the State. I was somewhat aided in this dilemma by the President of the United States, who, shortly after my inauguration, invested me, without any solicitation or suggestion on my part, "with the powers exercised hitherto by the Military Governor of Louisiana." Fortunately, the harmony which has characterized the intercourse of the military and civil authorities of this State, has rendered the exercise of any such powers by me almost unnecessary. The principal subject upon which I have used these powers are, the appointment of public officers, the payment of money from the State Treasury for just and pressing purposes and after recommendation by proper offi-

cers, and the exercise of executive clemency. As I said in my inaugural address, "for the moment civil government must necessarily harmonize with military administration;" and, while we recognize the paramount authority of the military power, we should not forget that it desires to surrender as speedily as possible the power to the people. The very object of the army of the United States in remaining here is to maintain Louisiana and the neighboring States in the Union; and the only way of doing this, is to disperse and overthrow those who pretend to set up a rebel government, and to guarantee to the loyal a republican form of State Government. While we are all striving for this object, the duties and powers of the civil and military authorities are distinct, co-operating with each other for the purpose of having that which is desired by all—the early surrender of all power, military and civil, to the people of the State, subject to the Constitution of the United States.

The present Constitution has wisely relieved the future legislation of our State of some of its greatest burdens and obstructions. Special and exceptional legislation by which, in former times, the public business was much delayed, and which gave birth to many improper laws, and was the means of wasting much money as well as time, is now absolutely prohibited. Article 117 of the Constitution declares that "the Legislature may enact general laws regulating the adoption of children, emancipation of minors, changing of names and the granting of divorces, but no special laws shall be enacted relating to particular or individual cases." We can, therefore, indulge the reasonable expectation that the entire time of the General Assembly will be employed in the framing of such laws as the public necessities may demand, and that no time will be wasted in legislation for individual or private interests I respectfully recommend that your legislation for the present be confined to such matters as require your action from the anomalous condition of our State and country, and the unavoidable necessities which the cause of the Union and the adoption of a new Constitution may render proper and important.

The report of the State Treasurer accompanying this message, shows that since his induction into office on the 4th of March last, up to the 30th of September, he has received $1,185,130 82. During the same period he has paid out $541,347 22, thus leaving a balance in his hands of $643,783 60. Of this balance, however, but $147,451 47 are in current funds—legal tender and city notes. The other portion of this balance is made up of $462,752 13 in Confederate notes received from

the former Treasurer, and $33,580 in the notes of the Bank of New Orleans. The different funds stand thus:

General Fund	$514,397 03
School Fund	111,423 95
Internal Improvement Fund	17,962 62
Total	$643,783 60

The General Fund consists of the following described notes:

Confederate notes (uncurrent)	$462,752 13
Bank of New Orleans (uncurrent)	33,580 00
Current	18,064 90
Total General Fund	$514,397 03

The Confederate notes above mentioned, I am informed, were left in bank to the credit of the State, at flight of the rebel State government from the city; and I think there are strong reasons for compelling the bank to pay this amount in current funds. The small balance of current notes belonging to the General Fund will probably be nearly or quite exhausted in the payment of the salaries of the State officers and employés for the quarter ending on the 30th ultimo.

The expenses of the late Constitutional Convention were very heavy; and it is a duty which the Legislature owes to itself and the people to practice the most rigid economy. Systems of revenue will have to be devised; but it should be remembered that the people are necessarily poor from the exhaustion of the war, and it will be sometime before remunerating returns can be made for industry on an extended scale. Taxes have thus far been collected under great difficulties, and in but few parishes; but the work of assessing and preparing for collection is being prosecuted with care and energy. The heavy expenditures should be gradually diminished, and the Legislature should in all things exercise the greatest possible economy.

The spirit which is to guide you in your legislation with regard to the existing financial corporations, banks, insurance companies, &c., of the State, should be not so much a blind devotion to the strict rules and obligations of law as a study of the interests of the people. The directors and managers of these corporations have materially aided the rebel Government by large subscriptions to Confederate bonds and loans, and a suspension of the payment, not only of specie but of their own notes, and substituting therefor and giving currency to the notes of the rebel Government. Most of the banks, on the approach of the Federal fleet, shipped their specie into the lines of the public enemy;

thus, either admitting their previous wrongs to our government, or showing the low estimate in which they held the gallant defenders of our Union. They have been enemies to our Government, and are entitled to no sympathy, privileges, or protection, except so far as they have in their possession of right the wealth of the State. If they have voluntarily parted with this, in breach of public or private trust, they cannot claim a continuance of their power. A very thorough investigation of their affairs was recently made by military order, and the exhibit shows a very precarious state of credit in all these institutions. It is a great crime that these elements of power, the most potent and most extended, should be left in the hands of men inimical or indifferent to the Government. Most of the banks are hopelessly insolvent. Some can become solvent by receiving possession of specie or cotton belonging to them and now within the rebel lines. The question of their suppression or liquidation should depend somewhat on their ability to become solvent within a reasonable time. They should be examined by the Legislature, and whenever they exercise an influence that does not justly belong to the wealth actually in their possession, they ought to be restricted in their privileges, or put in liquidation.

Your special attention is required on the matter of rendering assistance to the families of Louisiana soldiers in the army of the United States. Both the honor and welfare of the State urge you to the consideration of this subject. The Louisiana volunteers entered the army of the United States solely for patriotic motives. They were not tempted to enlist by the offer of large bounties, nor had they the certainty, as did the soldiers of other States, that while they were away from their homes, fighting for their country, those who were dependant on them would be succored and cared for by the generosity of the State. The conduct of the Louisiana regiments, for fortitude in the field, for faithful toil and patient endurance in post and camp needs no encomium from me. The various scenes of struggle which memorialize the campaigns of the Têche, the siege of Port Hudson and the expedition to the Red river, all attest that for gallantry of conduct, for conspicuous bravery, the foot and cavalry of Louisiana, if they had many equals, had no superiors for devotion to the sacred cause, or the honorable performance of duty. The families of many of these brave men have suffered for the necessaries of life. And I entreat you, let it be among the earliest acts of your bodies to make such appropriations of money that it can no longer be said that the wives and children of the soldiers of Louisiana are in want while the State has a dollar left in her treasury. All proper efforts should be made and inducements offered to increase

the volunteer force of this State. We will thus aid materially in the speedy restoration of peace and the prosperity of the people, and furnish the best proof of loyalty. I am informed by the Adjutant General of the State that he has not yet received the papers, records or files which should furnish him with the number of men who have been enlisted in the State, or the present condition of the Louisiana regiments; but everything is being done to obtain with all possible accuracy the name of every such person, so that justice may be done to them if living, and to those who are allied to them if they have fallen in the strife.

Unless the military authorities order an enrollment of the able-bodied citizens of this State, I advise that immediate steps be taken to enroll every such person in accordance with law. In case of necessity, I feel sure that the loyal people of this State will respond with alacrity and enthusiasm to any call made upon them by their country. We need no enrollment to affect the patriotic portion of our population, for when the hour comes for them to strike, they will be found ready. It is to compel the co-operation of the lukewarm and indifferent, who live on the bounty and kindness of the Government, while by their silence and inaction they give aid and comfort to its enemies, that this measure is needed. In case of emergency, these men must be forced to do their duty, and it is only by such means that we can know who they are. You will have also to frame a law for the organization of the militia of the State. It should be so constructed, that while it will prove efficient as a military system, it will also present inducements for the young men of Louisiana to enter the ranks of State service. The frequent refusal by foreign residents among us to perform militia duty, or to aid in the local defence of their places of residence, and to do what is incumbent upon them by international law, should receive legislative condemnation. Indeed, while we should open our doors to the oppressed and liberty-loving people of every clime; we should be careful in granting any privilege to persons who merely come to this country for purposes of gain, and who, after a residence among us of five years, are not sufficiently attached to its government to throw off their allegiance and become citizens of our own great country. These are questions of vital importance, and should receive your early and careful attention.

The great duty of the Legislature will be to provide a system of laws applicable to the new condition of things consequent upon the attempt to overthrow the Government. The obliteration of an interest so extended as that of slavery, necessarily makes great changes in the

events, opinions and business of the people; and the highest possible wisdom is required to adopt the State to its new condition. The change from servile to compensated labor, requires careful, liberal, and humane legislation, in order to secure the rights of those people who have not been accustomed to provide for and protect themselves. Inasmuch as Louisiana is the first State that makes this change upon an extended scale, so it ought to be the first to establish a system of Government which shall meet all the exigencies of the case, securing to the public the products upon which the wealth of the State and people depend, and to laborers their full rights. The provisions of our Civil Code, relative to the contract of letting and hiring of labor, furnish but a scant and imperfect plan for the material now on our hands. The legislation of the West Indies furnishes but an imperfect guide, because the interest is much less than that of Louisiana, and the Government despotic rather than popular. Counsel should be taken and suggestions invited from intelligent people of all parts of the world upon this subject, and such system established as will, while it will meet our wants, furnish a model for the legislation of other States. It need not be executed in a hurry; the subject is of the highest possible importance and should be dealt with in a spirit of enlightened liberality and humanity. The assistance of the military authorities furnishes an immediate government, but another system must be established ultimately, and the people cannot begin too soon to prepare.

It will be your duty to provide for the education of all children of the State, between certain ages, by the establishment and maintenance of public schools. Knowledge, which has heretofore been granted only to the white children of our State, will now be diffused among all children, without distinction of race or color; and I hope that in your legislation on this important subject, such provision will be made as shall secure to the blacks all the benefits of education vouchsafed to white persons, and that no undue and prejudiced preference may be shown. Public schools for white children, carried on by the civil authorities, have been in existence and are in a flourishing condition in this city and some of the country parishes, while schools for colored children, established by the military authorities, are in successful operation in many localities. It will be the duty of the Legislature to extend over all its protection and care, and devise the rules of government for each class. As public education is, above and beyond all other domestic questions, the most deserving of attention, I cannot too earnestly or forcibly impress upon you the duty of giving this subject your most zealous and

careful study. Without general education liberty has no guarantee, society is always menaced, and virtue itself is without a safeguard.

The city of New Orleans having been designated as the seat of Government, it was eminently just in the framers of our organic law to insist upon a proper police of permanent citizens, and that neither the members of the police nor the mechanics and laborers on the public works should hereafter be the objects of oppression by a sudden or unwarrantable reduction of their pay. The Constitutional provisions relating to the public affairs of the city of New Orleans will require the framing of a new city charter; and I deem it of the highest importance that such a charter as a city of the commercial pre-eminence as New Orleans has been and cannot fail to be in the future, ought to be so made that with slight modifications it may last for many years to come. Such a one should be framed in no narrow or contracted spirit, nor with the view to the promotion of any class or merely selfish interests or political partizanship; but with comprehensive liberality, under which its commerce would be enlarged, its revenues increased, its public institutions of every kind multiplied, its material wealth, and its happiness, tranquility and prosperity advanced and secured, so far as such instruments can be made to conduce to such ends. A number of unnecessary officers should be dispensed with, and no salary should be paid from the public treasury to officers except to such as are actually required and as perform some useful labor.

According to law the election of Presidential electors is to take place in November. I know of no reason why Louisiana should not participate in that election on a footing with the other States. She has forfeited her rights under no Constitutional provision or Congressional statute. She has instituted civil rule, and has a loyal State Government, embracing executive, legislative and judicial branches; all of which are in effective operation. In the attributes of State Government she stands the peer of the loyal States whose soil has never been trodden by the foot of the rebellion. That she has suffered by the rebellion and the temporary rule of the rebel Confederacy, is her misfortune; but so far as the laws at present stand, it is no abridgment of the rights of her loyal citizens. The details of holding this election are provided for by our statutes, and they all appear applicable and adapted to the occasion except the sections creating electoral districts, and requiring the residence of candidates for electors in the several separate districts.

The charitable institutions of this State, which have hitherto depended for their support on revenues derived from their own property or from appropriations made by the Legislature, have suffered severely

during the past few months. Although frequent and earnest applications have been addressed to me for relief, I have not been willing to assume the responsibility of drawing from the treasury the large amounts which the wants of these institutions seemed to require. The only cases in which I have authorized the payment of money to such institutions, are those of the Charity Hospital of this city, and the Asylum for the Blind, Deaf and Mute, at Baton Rouge. The late Constitutional Convention made an appropriation for other charitable purposes, which was expended by a special commission. The impossibility of reaching the Insane Asylum, at Jackson, on account of the war, has compelled the city of New Orleans to establish a temporary asylum for the unfortunate beings who are bereft of reason. The whole subject of public charity, at this time, requires a thorough investigation in a spirit of true philanthropy, and calls for the most careful, discriminating and enlightened legislation. I cannot too strongly invite your consideration to the Charity Hospital; an institution which has at all times opened wide its hospitable and merciful portals to the afflicted, without discrimination of race, clime or creed. At present, and for some time past, it has been sustained by revenues secured to it by law and accruing to it from various sources—from rations supplied by the military authorities, and by monthly payments taken from the State Treasury for the laudable and indispensable purpose of making up absolute deficiencies, under a most economical administration.

There are many other subjects of importance which require your consideration and action, and on which I might dwell, but I prefer to refer you to the reports of the different State officers, in which they are set forth and developed with greater minuteness and accuracy than I could possibly employ, unless by an unpardonable repetition of their own language. I ask your earnest attention particularly to reports of the Auditor of Public Accounts and the Attorney General.

Although, the new Constitution has fixed the term of the State officers at four years, it has wisely provided that the term of those now in office (who were elected at a time when many parishes could not participate in the election) shall expire at an earlier day in case of a restoration of peace in the whole State; and it is made my duty as soon as an election can be held "in every parish of the State," to declare the fact and order a new election. I need hardly tell you that I shall have real pleasure when this event shall be at hand. While I have the best reasons for believing that the rebellion is now almost extinct in every portion of the State and that only scattered fragments smoulder in insignificant proportions at different points, the time so anxiously desired by

me to surrender my trust has not yet come. Let us hope that it may not be delayed many months. We have good grounds for believing that circumstances will soon have completely changed so that every parish will have returned to its duty, assisted and protected by the national power, and the whole people will exercise their right to elect State officers. My own ambition in accepting office was to aid the cause of the Union and to give slavery its death-blow. So far as I have been instrumental in achieving this great work in Louisiana I rejoice, as I shall also rejoice when the State, once again united and loyal relieves me of the honors I feel my own inability to carry.

The rebellion everywhere is at its last gasp. The triumphs of Farragut, of Sherman (both names ever dear to Louisianians), of Sheridan and Grant, give assurance that the period is at hand which will witness the inglorious end of the most extraordinary treason to be read of in human history. Everything portends a general collapse within the contracted lines of treason. The hopes of Davis and his associates for foreign succor are completely dissipated. Their anticipations of divisions at the North, of pecuniary embarrassments, of inability to enforce the draft, have all proved delusions. Never before has the nation had so much ground for confidence that the heart of the rebellion is broken, as at this moment. This achieved, and with no canker in the heart of the Republic to reproduce at any future time the horrors of the present, the onward course of this mighty nation will meet no danger, can experience no interruption, will be disputed by no rival. With hearts full of gratitude to Him who rules over nations for his past goodness and with the wisdom, patriotism and fortitude becoming the occasion, let us apply ourselves to the important duties assigned us by our fellow citizens and to the sacrifices demanded by the best interests of our Union.

MICHAEL HAHN.

New Orleans, October 3, 1864.